

House File 17 - Introduced

HOUSE FILE 17

BY PETTENGILL and DE BOEF

A BILL FOR

1 An Act increasing the number of members serving on the
2 utilities board within the utilities division of the
3 department of commerce and changing the membership from an
4 appointed to an elected board.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.21, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Members of the utilities board within
4 the utilities division of the department of commerce as
5 provided in section 474.1.

6 Sec. 2. Section 474.1, subsections 1 and 2, Code 2011,
7 are amended by striking the subsections and inserting in lieu
8 thereof the following:

9 1. *a.* A utilities division is created within the department
10 of commerce. The policymaking body for the division is the
11 utilities board which is created within the division.

12 *b.* The board is composed of five members, one to be elected
13 by the registered voters of each congressional district and one
14 to be elected from the state at large. Board members shall
15 be elected on a nonpartisan basis at the general election
16 for staggered four-year terms commencing on the first day
17 of January that is not a Sunday or holiday following their
18 election. Any eligible elector is entitled to membership on
19 the board, and, except for the member elected at large, no more
20 than one member shall at any one time be a resident of any
21 one congressional district. A vacancy shall be filled by the
22 chairperson of the board for the unexpired balance of the term
23 until the next succeeding general election.

24 *c.* At each general election a successor shall be chosen
25 for each commissioner whose term will expire in the succeeding
26 January. Nomination of candidates shall be made by petition
27 in accordance with chapter 45, except that each candidate's
28 nominating petition shall be signed by at least three hundred
29 eligible electors residing in the congressional district or,
30 for an at-large candidate, by seventy-five eligible electors
31 residing in each congressional district in the state. The
32 petition form shall be furnished by the county commissioner
33 of elections. Every candidate shall file with the nomination
34 papers an affidavit stating the candidate's name, the
35 candidate's residence, that the person is a candidate and

1 is eligible for board membership, and that if elected the
2 candidate will qualify for the office. The affidavit shall
3 also state that the candidate is aware that the candidate
4 is disqualified from holding office if the candidate has
5 been convicted of a felony or other infamous crime and the
6 candidate's rights have not been restored by the governor or by
7 the president of the United States.

8 *d.* The signed petitions shall be filed with the county
9 commissioner of elections not later than 5 p.m. on the
10 sixty-ninth day before the general election. The votes for
11 board membership shall be canvassed in the same manner as the
12 votes for state officers, and the returns shall be certified to
13 the state commissioner of elections. A plurality is sufficient
14 to elect members, and a primary election for the office shall
15 not be held.

16 *e.* As used in this subsection, "*congressional district*"
17 means those districts established following the 2010 federal
18 decennial census.

19 2. The utilities board shall organize by appointing an
20 executive secretary, who shall take the same oath as the
21 members. The board shall set the salary of the executive
22 secretary within the limits of the pay plan for exempt
23 positions provided for in section 8A.413, subsection 3, unless
24 otherwise provided by the general assembly. The board may
25 employ additional personnel as it finds necessary. Board
26 members shall elect a member to serve as the chairperson of
27 the board. The chairperson shall be the administrator of the
28 utilities division. A member shall serve as chairperson for a
29 two-year term.

30 Sec. 3. TRANSITION PROVISIONS. Membership terms of
31 utilities board members serving on the board on the effective
32 date of this Act and otherwise expiring prior to the general
33 election to be conducted in 2012 shall be extended until the
34 first day of January that is not a Sunday or holiday following
35 the election. Membership terms of utilities board members

1 appointed to the board after the effective date of this Act
2 shall expire in 2013 on the first day of January that is not a
3 Sunday or holiday.

4

EXPLANATION

5 This bill changes the composition of the utilities board
6 within the utilities division of the department of commerce
7 from the current membership of three appointed members to a
8 membership of five elected members.

9 The bill provides that four members shall be elected by the
10 registered voters of each congressional district, as those
11 districts were established following the 2010 federal census,
12 and one member shall be elected from the state at large. The
13 members are elected on a nonpartisan basis for staggered
14 four-year terms. The election shall be held biennially at the
15 same time as the general election, and any eligible elector is
16 entitled to membership on the board.

17 The bill specifies nomination of candidates for the board
18 shall be made by petition pursuant to Code chapter 45, with
19 the exception that each candidate's nominating petition shall
20 be signed by at least 300 eligible electors residing in the
21 district or, if an at-large candidate, by 75 eligible electors
22 residing in each congressional district in the state. The
23 bill states that the votes for board membership shall be
24 canvassed in the same manner as the votes for state officers,
25 that returns shall be certified to the state commissioner of
26 elections, that a plurality is sufficient to elect members, and
27 that a primary election for the office shall not be held.

28 The bill provides that a chairperson of the board shall be
29 elected from among the board membership for a two-year term.
30 Currently, a chairperson is appointed by the governor.

31 The bill provides transition provisions for the general
32 election in 2012. The terms of utilities board members
33 serving on the board on the bill's effective date and otherwise
34 expiring prior to the general election in 2012 shall be
35 extended until the first day of January that is not a Sunday or

1 holiday following the election. The terms of members appointed
2 after the effective date shall expire in 2013 on the first day
3 of January that is not a Sunday or a holiday.